

**REMARKS**

Please reconsider this application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application and indicating that claims 2-4 contain allowable subject matter. For the record, it is noted that claim 4 is an independent claim, and therefore does not depend from claim 1. Applicant requests Examiner to correct the statement regarding allowable subject matter to state that independent claim 4 is allowable.

**Disposition of the Claims**

Claims 1-4 are pending in this application. Claims 1, 3 and 4 are independent claims. Claim 2 depends directly from claim 1.

**Claim Amendments**

Claim 3 is amended by way of this reply to be written in independent form. No new matter is added, as support for the amendment may be found in the original claims.

**Rejection under 35 U.S.C. § 102**

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,002,248 ("Binder"). Applicant respectfully traverses the rejection for the reasons below.

MPEP § 2131 makes it clear that a claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. Applicant respectfully asserts that Binder does not show all of the limitations of claim 1.

Particularly, Binder does not show a metal core as recited in claim 1. Binder shows a seal that is located in the radial space between the outer ring and the inner ring and is “attached to the rotating outer ring.” *See*, Column 5, lines 57-64 of Binder. The configuration of Binder could provide structural integrity to the seal to prevent collapsing through support from the walls or through the attachment (which is not described), but does not incorporate a metal core for support. Additionally, the seal member of Binder is not expressly described, thus there is no disclosure or even suggestion of a metal core. In fact, the seal of Binder is not described as being of *any* particular material or of any particular characteristic other than that the seal is of a material that would permit bonding or vulcanization. *See*, Column 5, Lines 61-64 of Binder. This would include rubber, for vulcanization, which is elastic, but does not include all elastic materials, such as resin, and certainly does not show or imply a metal core. *See*, Paragraph [0023] of the published specification.

Additionally, a metal core is also not inherently present in Binder. The fact that a certain characteristic *may* occur or be present in the prior art is not sufficient to establish the inherency of that characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (citing *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981)). As stated above, Binder, at most, discloses a general elastic material for the seal, and does not include any form of a core for support or for communication purposes (*i.e.*, an antenna). Binder discloses the seal being “attached to the rotating outer ring” and therefore would not require a core for support.

Moreover, Binder does not disclose using a core as an antenna for an IC chip as recited in claim 1. The claimed invention attaches the IC tag to the metal core, providing an antenna for the

IC tag through the metal core. Binder discloses the microsensor being bonded onto or vulcanized into the seal, placing the microsensor on or in the seal, and not attached to a core or other structure and particularly not providing a metallic element to act as an antenna for the microsensor. *See*, Column 5, Lines 51-64 of Binder.

In view of the above, claim 1 is patentable over Binder, and therefore withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17214/011001).

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Respectfully submitted,

By 

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